

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Blessed Cajuns, LLC, et al.,
Plaintiffs,

v.

Isabella Casillas Guzman, et al.,
Defendants.

Case No. 4:21-cv-00677-O

**PLAINTIFFS' RESPONSE TO OFFICIAL-CAPACITY
DEFENDANTS' PARTIAL MOTION TO DISMISS FOR LACK OF
SUBJECT-MATTER JURISDICTION**

In light of the representations made in the defendants' motion to dismiss, the plaintiffs agree that the claims asserted by the "Funded Plaintiffs" have become moot. The plaintiffs also agree that the Lynds Inn plaintiffs can no longer seek declaratory or injunctive relief given that the appropriated money has been spent. The plaintiffs will prepare a third amended complaint limited to the parties alleging damages under *Bivens*, and we will either file it with the consent of the defendants or seek leave of court to do so.

Respectfully submitted.

GENE P. HAMILTON
Virginia Bar No. 80434
Vice-President and General Counsel
America First Legal Foundation
300 Independence Avenue SE
Washington, DC 20003
(202) 964-3721
gene.hamilton@aflegal.org

(additional counsel listed on
following page)

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Texas Bar No. 24075463
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law

CHARLES W. FILLMORE
H. DUSTIN FILLMORE
The Fillmore Law Firm, L.L.P.
201 Main Street, Suite 801
Fort Worth, Texas 76102
(817) 332-2351 (phone)
(817) 870-1859 (fax)
chad@fillmorefirm.com
dusty@fillmorefirm.com

ROBERT HENNEKE
Texas Bar No. 24046058
Texas Public Policy Foundation
901 Congress Avenue
Austin, Texas 78735
(512) 472-2700 (phone)
rhenneke@texaspolicy.com

BRADLEY A. BENBROOK*
California Bar No. 177786
STEPHEN M. DUVERNAY*
California Bar No. 250957
Benbrook Law Group, PC
400 Capitol Mall, Suite 2530
Sacramento, California 95814
(916) 447-4900 (phone)
(916) 447-4904 (fax)
brad@benbrooklawgroup.com
steve@benbrooklawgroup.com

* admitted *pro hac vice*

Dated: November 23, 2021

*Counsel for Plaintiffs and
the Proposed Class*

CERTIFICATE OF SERVICE

I certify that on November 23, 2021, I served this document through CM/ECF upon:

CHRISTOPHER D. DODGE
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
(202) 598-5571
christopher.d.dodge@usdoj.gov

*Counsel for Defendants Small Business Administration
and Administrator Guzman in her Official Capacity*

JULIANA MACPHERSON BARRETT
U.S. Department of Justice
Civil Division, Constitutional Tort Staff
Ben Franklin Station
Post Office Box 7146
Washington, D.C. 20044
(202) 616-4326 (phone)
(202) 616-4314 (fax)
juliana.m.barrett@usdoj.gov

*Counsel for Defendant Administrator
Guzman in her Individual Capacity*

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
*Counsel for Plaintiffs and
the Proposed Class*